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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/383,038

08/25/1999

CHARLES B. SCHNAREL

3382-51792

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11/02/2006

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/383,038	SCHNAREL ET AL	
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 47-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78, 84-86 and 91 is/are allowed.
- 6) ☒ Claim(s) 1, 62, 65, 70, 72, 73, 75, 79, 87, 89 and 90 is/are rejected.
- 7) ☒ Claim(s) 47-61, 63-64, 66-69, 71, 74, 76-77, 80-83, and 88 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. The RCE and Amendment filed 8/25/06 have been entered.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 62, 65, 70, 72, 73, 75, 79, 87, 89, 90 are rejected under 35 U.S.C. 102(e) as being anticipated by Rondeau (5850433).
5. Regarding claim 1, Rondeau shows implementing a customizable visual user interface on a screen display of a telephony device (abstract, Summary para 12, 21), an application program for providing services to a user on the telephony device (Summary para 14, Detailed Descr. para 14, 18, 21);
a shell program that exposes an application programming interface for customizing the customizable visual user interface (Detailed Descr. para 7, 14, 21); message center operatively connected to the shell program for providing access to a user message

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(Detailed Descr. para 10, 13, 25); and a telephony module for managing telephony functions, wherein the application programming interface exposed by the shell program comprises one or more methods, the application programming interface receiving input from an application, and wherein execution of the one or more methods of the application programming interface is responsive to the input from the application for customizing the customizable visual user interface (Detailed Descr. para 13, 14, 25, 26).

6. Regarding claim 62, the message transport includes at least one object having at least one function and including at least one pane encapsulated in the at least one object on the visual user interface and wherein customizing comprises adding one or more panes to the visual user interface for the telephony device (Detailed Descr. para 21).

7. Regarding claim 65, the interface has a message transport for receiving the message and a viewer to output it (Summary para 12, Detailed Descr. para 21, 22, 26).

8. Regarding claim 70, only one of these need be shown, such as the transport which is shown is Summary para 12 and Detailed Descr. para 21, 22, 26).

9. Regarding claim 72, the shell program provides a framework of the customizable visual user interface on the screen display of the telephony device (Detailed Descr. para 21).

10. Regarding claim 73, the shell program provides services and receives input via the API exposed by the shell program (Detailed Descr. para 14).

11. Regarding claim 75, the shell program incorporates a custom application program via the application programming interface exposed by the shell program (Detailed Descr. para 21-22).

12. Claims 79 and 87 show the same features as claim 1 and are rejected for the same reasons.

13. Claim 89 shows the same features as claim 62 and is rejected for the same reasons.

14. Regarding claim 90, in addition to that mentioned for claim 62, note the call function with the pane identifier (Detailed Descr. para 7, 14).

15. Claims 47-61, 63-64, 66-69, 71, 74, 76-77, 80-83, and 88 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These bring out the message and media indication features and shell platform

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details, together with all incorporating features combined are not set forth in the prior art of record.

16. Claims 78, 84, 85-86, and 91 are allowable over the prior art of record. These bring out the message and media features and shell platform details, together with all features combined are not set forth in the prior art of record.

17. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEVEN SAX
PRIMARY EXAMINER